

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Stacey Leo,	
-v-	2:23-cv-05418 (NJC) (JMW)
Province Therapeutics LLC, <i>et al.</i> ,	
Plaintiff, Defendants.	

MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On October 26, 2023, Plaintiff Stacey Leo (“Leo”) filed a motion for default judgment. (Default J. Mot., ECF No. 18.) On February 6, 2024, this Court granted in part and denied in part the Default Judgment Motion and referred the calculation of damages to Magistrate Judge James M. Wicks. (ECF No. 21.) On March 8, 2024, Leo filed a motion for attorney’s fees. (ECF No. 23.) On May 21, 2024, Judge Wicks issued a Report and Recommendation (the “Damages R&R”) recommending that Leo be awarded \$59,457.33 in damages, costs, and fees and denying with leave to renew the motion for attorney’s fees due to Leo’s failure to submit contemporaneous billing records. (Damages R&R, ECF No. 25.) On May 22, 2024, Leo filed a motion to supplement the motion for attorney’s fees with attorney billing records, which the Court construes as a renewed motion for attorney’s fees. (Attorney’s Fee Mot., ECF No. 26.) On May 24, 2024, Judge Wicks issued a Report and Recommendation (the “Attorney’s Fees R&R”) recommending that Leo’s counsel be awarded \$14,009.50 in attorney’s fees. (Attorney’s Fees R&R, ECF No. 28.)

A copy of the Damages R&R and the Attorney's Fees R&R were provided to all counsel via ECF. (*See* Elec. Order, May 21, 2024; Elec. Order, May 24, 2024.) Both R&Rs instructed

that any objections to the R&R were required to be submitted in writing to the Clerk of Court within fourteen (14) days of service of the R&R. (Damages R&R at 16; Attorney's Fees R&R at 9.) Consequently, the deadline to object to the Damages R&R was June 5, 2024, and the deadline to object to the Attorney's Fees R&R was June 7, 2024. The dates for filing any objections to each R&R have thus expired, and no defendant has filed an objection to either R&R. For the following reasons, the Court adopts both thorough and well-reasoned R&Rs in their entirety.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15CV1188WFKRML, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016) (citing *Reyes v. Mantello*, 00-CV-8936, 2003 WL 76997, at *1 (S.D.N.Y. Jan. 9, 2003); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)).

After reviewing the motion papers and the applicable law, and after reviewing the Damages R&R and the Attorney's Fees R&R for clear error, the Court adopts the findings and recommendations in the well-reasoned and thorough R&Rs in their entirety. Accordingly, the Court awards Leo \$59,457.33 in damages, costs, and fees as follows: \$16,470 in unpaid wages, \$16,470 in liquidated damages, \$25,862 in late wages, \$655.33 in costs, post-judgment interest from the date the Clerk enters judgment until the date Defendants pay such judgment, and a fifteen (15) percent increased penalty under New York Labor Law Section 198(4) in the event that Defendants fail to pay any unpaid amount of the judgment after ninety (90) days. The Court also awards Leo's counsel \$14,009.50 in attorney's fees. The Clerk of the Court is directed to enter judgment and close the case.

Dated: Central Islip, New York
June 10, 2024

/s Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge